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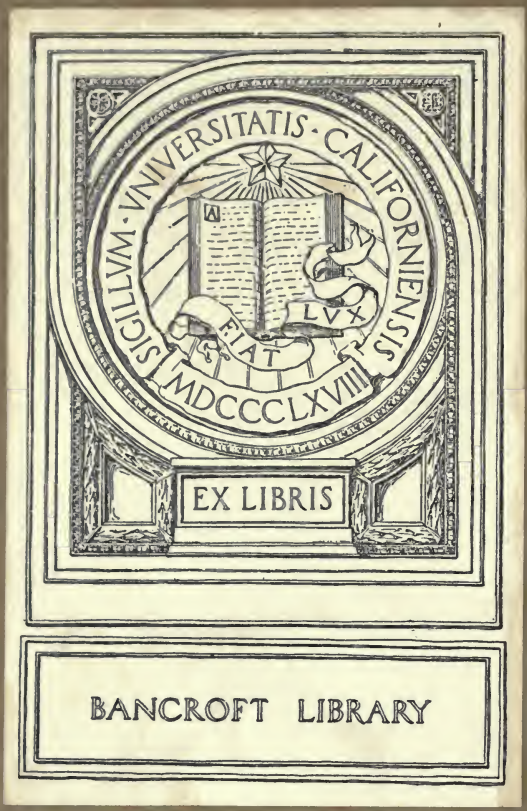

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35TH CONGRESS, 1st Session. } SENATE. { Ex. Doc. No. 10.

MESSAGE

OF

THE PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

In compliance with a resolution of the Senate, the correspondence between the Department of State and the Minister of Bremen, on the subject of claims for losses alleged to have been sustained by subjects of the Hanse Towns at the bombardment of Greytown.

JANUARY 4, 1858.—Ordered to lie on the table and be printed.

To the Senate of the United States:

Herewith I transmit a report of the Secretary of State, with accompanying documents, in compliance with the resolution of the Senate of the 18th instant.

JAMES BUCHANAN.

WASHINGTON, *December* 29, 1857.

DEPARTMENT OF STATE,
Washington, December 29, 1857.

The Secretary of State, to whom was referred the resolution of the Senate of the 18th instant, requesting the President, "if compatible with the public interest, to communicate to the Senate copies of any correspondence which may have taken place between the Department of State and the Minister of Bremen on the subject of claims for losses alleged to have been sustained by subjects of the Hanse Towns at the bombardment of Greytown," has the honor to lay before the President a copy of the documents specified in the accompanying list.

Respectfully submitted.

LEWIS CASS.

The PRESIDENT OF THE UNITED STATES.

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List of Documents accompanying the Report of the Secretary of State to the President, of December 29, 1857.

Mr. Schleiden to Mr. Marcy, with accompaniments, November 6, 1855.

Mr. Marcy to Mr. Schleiden, November 19, 1855.

Mr. Schleiden to Mr. Marcy, with accompaniments, November 23, 1855.

Mr. Marcy to Mr. Schleiden, November 24, 1855.

Mr. Schleiden to Mr. Marcy, with accompaniments, January 28, 1856.

Mr. Schleiden to Mr. Marcy.

WASHINGTON, D. C., *November* 6, 1855.

The undersigned, minister resident of the Hanseatic republic of Bremen, begs leave to submit to the honorable Secretary of State the accompanying documents in regard to claims of Bremen citizens for indemnity for losses sustained by them at San Juan del Norte (Greytown) on the occasion of that town being destroyed by Commander Hollins, of the United States sloop-of-war Cyane, in July, 1854.

The undersigned will not trust himself with any remark on the peculiar features of those proceedings, in consequence of which the property in question has been destroyed. The American press itself has commented upon them in terms more severe than the undersigned would wish to repeat. He will strictly confine himself within the limits of those considerations, which, in an international point of view, are conclusive in favor of the justice and equity of the claims which he has received orders to present and support.

If ever confidence was warranted by the most unequivocal and explicit public acts, it was in the case of San Juan de Nicaragua, (Greytown,) when it was placed in a peculiar manner under the protection of the law of nations, which, in fact, conferred to property of every description all that security to which it would be entitled when intrusted to a "neutral bottom."

It is impossible to read the treaty of April 19, 1850, (commonly called the Clayton-Bulwer treaty,) without arriving at the conclusion that it was the true intention of the contracting parties to invest the interoceanic communication, to all intents and purposes, with a neutral character. This neutrality is expressly adapted to the eventuality of a war between the contracting parties themselves; it is not limited to the line of the projected communication and its extremities, the *termini*, as it were, of that line, (the establishments of San Juan del Norte on the Atlantic, and of San Juan del Sur on the Pacific;) but it is extended to a distance (which has since been more precisely defined in the treaty of April 30, 1852) from the coast of either ocean. The security and neutrality of the transit is guarantied for general benefit to all mankind, all sharing the same terms and enjoying the same protection. The mediation of two of

the most powerful governments of the world is held out for adjusting all differences between the adjacent States, in order to remove any cause of disturbance incompatible with the character of neutrality. It was not the meaning that the maintenance of this character of neutrality should be made dependent upon the concurrence of the neighboring States, inasmuch as the treaty of April 30, 1852, declares the intention of the contracting parties, even in case of the non-accession of Nicaragua and Costa Rica, to take measures for attaining the purposes avowed in the treaty of April 19, 1850. It has been well observed, that the establishments connected with the projected interoceanic communication were, in the liberal spirit of the treaties, endowed with a character and privileges not altogether dissimilar to those which, from motives of general utility, have long been recognized, by the common consent of mankind, as belonging to the Hanseatic republics of Germany. As to the position of San Juan de Nicaragua, in particular, it is true that the United States government never recognized the sovereignty of a king of Mosquito, nor the protectorate of Great Britain over that locality. The late Secretary of State, the honorable Daniel Webster, declared, however, in a letter directed on the 13th of March, 1852, to Commodore Foxhall A. Parker, that "a temporary recognition of the existing authority of the place, (San Juan de Nicaragua, or Greytown,) sufficient to countenance any well-intended endeavors on its part to preserve the public peace and punish wrong-doers, would not be inconsistent with the policy and honor of the United States;" and he accordingly directed the commodore, in the name of the President of the United States, "to repair to Greytown, and, in conjunction with her Britannic Majesty's admiral on the West India station, to see that all reasonable municipal and other regulations in force there were respected by the vessels and citizens of the United States resorting thither." And the same distinguished American statesman learning that, in an assemblage of persons styling themselves citizens of San Juan de Nicaragua, or Greytown, held there on the 28th of February, 1852, resolutions had been passed to send a deputation to the capital of the republic of Nicaragua for the purpose of soliciting a charter for San Juan, requested, on the 18th of March following, the Secretary of the Navy, the Hon. Wm. A. Graham, to give to the American citizens, believed to have formed a majority of the said assemblage, timely warning "that they would not be countenanced by his government in any attempt, forcibly, or otherwise, to subvert the acting authorities." Subsequently, after the election of new municipal authorities at San Juan, in conformity with a constitution adopted there on the 29th of March, 1852, and after the conclusion of the treaty between the United States and Great Britain, signed on the 30th of April of the same year, Lord Clarendon states, in a despatch to the British minister at Washington, dated July 22, 1853, that both the British and American governments had ordered their naval commanders in Central America to support the government *de facto* of San Juan; and the Hon. Wm. L. Marcy himself, in a despatch to Mr. Ingersoll, the American minister at London, dated June 9, 1853, referring to the said joint order, says that its purpose was to preserve the public peace at San Juan, and to punish

wrong-doers. In consequence thereof, there was an United States commercial agent resident at San Juan, and the Hanse Towns, like England and France, maintained there a consul for the protection of their citizens and subjects engaged in the commerce of Central America.

It is, however, not essential to insist on the neutral character vouchsafed by the treaties of 1850 and 1852, and supported by the quoted facts. If, in the meantime, circumstances have occurred by which the government of the United States has considered itself justified to treat San Juan de Nicaragua (Greytown) as a hostile city, it is not for the undersigned to inquire into the nature of those unfortunate circumstances, nor to balance the degree of offence given by the municipal authorities and the severity of the consequent infliction. But if San Juan del Norte was to be considered as a hostile city, and to be treated as such, the undersigned cannot be debarred from invoking an unalterable maxim of international law, which has been maintained in uninterrupted succession from the father of the modern law of nations down to Hautefeuille, one of the most recent text writers on the subject of neutrality. It is the maxim of Grotius: "*quae res apud hostes quidem sunt, sed quarum domini nec hostium sunt subditi, nec hostilis animi, ex bello acquiri non possunt,*" or, in the simple and expressive language of Chancellor Kent, "war gives no right to capture the goods of a friend." From this maxim it is a self-evident deduction that, upon the capture of San Juan, the property of unoffending residents, subjects or citizens of a neutral or friendly State, could not have been involved in a sweeping measure of retribution—that it could not have been amenable to capture or destruction. Upon the strength of the same maxim a well known principle has been established, which has also been embodied in several treaties of the United States, (treaty with Great Britain, 1794, Art. XVIII; treaty with Spain, 1795, Art. XVI,) to wit: that vessels or goods that may have entered into a port or place before the same was besieged or invested, and be found therein after the reduction or surrender of the same, shall not be liable to confiscation, but shall be restored to the proprietors. Indeed, there is no country on the face of the earth in which the adherence to the above principle has been more decidedly expressed, and to the government of which the undersigned would more confidently appeal, than the United States. The courts of the United States, to their infinite credit be it said, have been the first to deduce from that principle a liberal and beneficent corollary. The Supreme Court of the United States has given it as its decided opinion that the exemption of neutral property from capture has no other exceptions than those arising from the carrying of contraband goods, breach of blockade, and other analogous causes, where *the conduct of the neutral* gives to the belligerent a right to treat his property as enemy's property; that the belligerent flag does not communicate a hostile character to neutral property; and that even though another State might confiscate in such a case, the court was bound by the general law of nations until the American legislation should determine to retaliate.—(*The Nereide*, 9 *Cranch*, 388.)

Nay, more; had San Juan been a fortress, armed to the teeth, instead of being an open and a defenceless place; had it fallen after a desperate resistance, the undersigned would still, with no less confidence, entrench himself within the principle proclaimed by the same authoritative tribunal in the same memorable case. It is well known that the Supreme Court of the United States carried the principle of immunity of neutral property on board an enemy's vessel to the extent of allowing it to be laden on board an *armed belligerent cruiser*, and it was held that the goods did not lose their neutral character, not even in consequence of resistance made by the armed vessel, provided the neutral did not aid in such armament or resistance, notwithstanding he had chartered the whole vessel and *was on board at the time of the resistance*. Well might Chancellor Kent describe it as a proceeding the most liberal and honorable to the jurisprudence of his country, when, in spite of a decision of an opposite character by the English Court of Admiralty, the above principle was maintained by the Supreme Court of the United States in a similar case.—(The Atalanta, 3 Wheaton, 408.)

So far as the probable presumption of an *animus hostilis* (the only point at issue) is concerned, the undersigned need not advert to the immense difference between putting goods on board an armed belligerent cruiser and a residence for commercial purposes in a place of which nothing could have been more contrary to all reasonable expectation than that it should on any occasion come to be treated as a hostile city by the government of the United States.

These principles, thus solemnly avowed, will, by powerful and conclusive implication, warrant the undersigned in his confident appeal to the justice of the government of the United States in behalf of his fellow-citizens of the Hanseatic republic of Bremen who have been sufferers by the destruction of San Juan de Nicaragua (Greytown). The facts as laid down in, and proved by, the accompanying documents, show that those principles are in all and every point applicable to the claims in question, and they will, no doubt, be confirmed by the reports of the United States minister in Central America, as well as by the late and the present United States commercial agent at San Juan, and such officers of the Nicaragua Transit Company, whose declarations in regard to this matter may be honored with the confidence of the United States government. The undersigned would only beg leave to call the attention of the honorable Secretary of State to a few of these facts, and especially to the circumstance that the property, for the loss of which the claimants expect indemnity, was not destroyed by the bombardment of the town from on board the United States sloop-of-war Cyane, but by the subsequent burning down of the houses and stores of the claimants by a party of marines sent on shore by Commander Hollins when he had not succeeded in setting the town on fire by shells. Even the Hamburg flag, displayed on the house of the Hanseatic consul, Mr. H. Wiedemann, was not respected, and the house with the flag was burned down, though the then United States commercial agent, Mr. Fabens, had assured Mr. George Wiedemann, acting consul of the free Hanse Towns, during a temporary absence of his brother, consul Henry Wiedemann, that he had taken measures to

preserve the consulate. The undersigned begs leave to state, further, that neither of the claimants has ever taken any part in the politics and disorders of the place. Mr. Frederick Lüpking, claiming indemnity for several houses and for merchandise destroyed, together to the amount of $12,222 59, has even never personally been in Central America, but was represented there by the highly respectable commercial house of Wassaman & Co., in Granada, (Nicaragua,) and their agent at Greytown, Mr. A. Knipping, who have both furnished the undersigned with statements which he has the honor to enclose. The other claimant, Mr. Henry Wiedemann, consul of the Hanseatic republics, and partner of the well known firm of Wiedemann & Beschor, who claims indemnity for losses to the amount of $35,140, has resided for several years in San Juan and in Granada, (Nicaragua,) respectively, and gained general confidence and respect wherever he was known. He happened to be on board the steamer "H. L. Routh," together with the American minister, honorable S. Borland, in May, 1854, on the occasion of the fatal occurrence between Captain Smith, of said steamer, and the native owner of a Nicaraguan bungo, which subsequently led to the shameful affront offered at San Juan (Greytown) to the dignity of the American minister, and to the severe punishment of that unfortunate city by Commander Hollins. Mr. Wiedemann, on that occasion, endeavored in vain to prevent Captain Smith from shooting the poor native, and offered afterwards, as soon as he learned the insult given to the honorable S. Borland, a reward of $50 for the capture of the villain who had committed the deed; and Mr. Wassmann, the agent of the other claimant, Mr. Frederick Lüpking, joined Mr. Wiedemann in this effort, by doubling the offered reward. These facts prove the sincere desire of the claimants to maintain peace and good order in the community where, under the protection of neutrality, they carried on their business, and which subsequently has been so much abused, as being a resort of pirates and robbers.

The undersigned has to add, that the amount of damages, as stated above, and to the correctness of which both claimants are ready to make oath, does not include the great indirect losses sustained by the claimants in consequence of the derangement in their business caused by the destruction of San Juan, the extra pay for their clerks and other employés during that time, loss of interest on investments, &c. He is confident that the sense of justice and equity which at all times has animated the United States government will secure to his fellow-citizens who have suffered so much full indemnity also for these their indirect losses.

If, however, contrary to expectation, the United States government should hesitate to recognize the justice of the claims here presented and their obligation to pay the asked for indemnity, the undersigned would, in the name of his government, suggest the propriety of having this matter submitted to the arbitration of a foreign government not interested in the same in behalf of their own subjects, or of commissioners to be appointed for that purpose by the governments of Bremen and the United States.

The undersigned would feel under obligations for an early consideration of this note, and he avails himself of this occasion to offer

to the Hon. Secretary of State the renewed assurance of his highest regard.

R. SCHLEIDEN.

Hon. W. L. MARCY,
Secretary of State, Washington, D. C.

List of documents in regard to claims of Bremen citizens for indemnity for losses sustained by them at San Juan del Norte, (Greytown,) on the occasion of that town being destroyed by Commander Hollins of the United States sloop-of-war Cyane, in July, 1854, accompanying the note of the Bremen minister near the government of the United States, to the honorable Secretary of State, dated Washington, District of Columbia, the 6th November, 1855.

I. Letter of Mr. Henry Wiedemann, consul of the Hanseatic republics at San Juan del Norte, (Greytown,) to the Bremen minister at Washington, District of Columbia, dated January 20, 1855, enclosing:

1. Certificate of the Nicaraguan minister of foreign affairs, dated Granada, December 27, 1854.

2. Letter of the United States commercial agent at San Juan del Norte, Mr. J. W. Fabens, to Mr. George Wiedemann, acting Hanseatic consul at San Juan, dated July 12, 1854.

3. Certificate of James Giddes and others, at San Juan del Norte, dated January 19, 1855.

4. Statement of losses incurred by Messrs. Wiedemann & Beschor by the destruction of San Juan del Norte, dated January 1, 1855.

II. Letter of Mr. Consul H. Wiedemann at San Juan del Norte, to the Bremen minister at Washington, District of Columbia, dated Greytown, January 20, 1855.

III. Letter of the same to the same, dated New York, February 13, 1855.

IV. Statement of loss of property, &c., sustained by Mr. Frederick Lüpking, a Bremen citizen, through the destruction of San Juan del Norte, dated San Juan, December 20, 1854.

V. Letter of Messrs. Wassmann & Co., at Granada, (Nicaragua,) to the Bremen minister at Washington, District of Columbia, dated April 17, 1855.

VI. Letter of Mr. Aug. Knipping, at San Juan del Norte, (Greytown,) to the Bremen minister at Washingtou, D. C., dated May 21, 1855.

[Translation.]

Consulate of the free and Hanseatic cities of Hamburg and Bremen, at Greytown, or San Juan del Norte.

GREYTOWN, OR SAN JUAN DEL NORTE,
January 20, 1855.

Your excellency's intercession is solicited by the undersigned in behalf of a claim for damages sustained by him as partner of the firms of Wiedemann & Beschor, at Leipzig, Granada, and San Juan, in consequence of the bombardment and burning down of the last named place, on the 13th of July, 1854, by the United States ship-of-war Cyane, Commander Hollins.

I beg leave, first, to recur to certain facts which occurred some months prior to that date, and which will convince your excellency that the losses sustained by me are the more deplorable, insomuch as I have not taken the least part in any act which could have induced the United States to proceed, in so summary a manner, against Greytown. Your excellency is also well aware that this could not be compatible with my position as consul of the Hanse Towns of Bremen and Hamburg.

About the middle of May, 1854, when the United States minister for Central America, Mr. Borland, was leaving this country, I found myself in his company on board of one of the San Juan river steamers. As far as I can recollect, nothing particular occurred during the passage down, till within six or nine miles from San Juan del Norte; here the following incident took place:

Captain Smith, of the steamer "Routh," in turning a bend of the river, as I think, ran against a bungo freighted with merchandise which was lying near the shore, and damaged her by the collision, whether designedly or otherwise I am unable to say. The patron or master of the bungo thereupon commenced to abuse Captain Smith in Spanish, to which the latter retorted fully in English. After a little while the steamer, which had become entangled in some brushwood, got clear again and proceeded on her passage. At the time of leaving, the said patron, whose name was Albino Paladino, had an ordinary fowling piece in his hands, but not pointed as if for use. After the steamer had separated a short distance from the bungo, the former was turned round again up stream, towards the latter craft, after two ineffectual attempts, frustrated by the strong current. During the interval Captain Smith had fetched his rifle from the cabin, and repeatedly vociferated, "I must shoot the fellow; he has used threatening language that shall cost him his life;" and other expressions of that nature, which had better be passed in silence. The boat was now going under full steam toward the bungo. Said Paladino arose from his place near the rudder, carrying the fowling piece still in his hand, and appeared in the act of stepping on shore over the rowing benches; the gun was not carried in a menacing position; when he reached the second or third rowing bench he was shot down by Captain Smith from the upper deck of the steamer, and the latter then proceeded on her passage down the river. Mr. Borland wit-

nessed, if not the beginning, yet the greater part of this last act, from the upper deck, and, during the whole time, I have not heard him make any remarks in relation to it. So much on this subject.

The same evening I learned, while at home, that a bottle had been thrown by an unknown hand against the person of the said minister in the house of the United States commercial agent, Mr. Fabens. Several respectable gentlemen present, including Messrs. Wassmann, Sigand, and others, joined by myself, took pains to ferret out the perpetrator, and each of us promised to contribute fifty dollars towards a reward for his detection and apprehension, but our exertions proved unsuccessful.

Fearing that evil consequences might result to the inhabitants of San Juan by this act of rudeness, I took the liberty of calling towards ten o'clock at night on Mr. Borland, to see whether the affair could not be adjusted. To my proposition whether he would be satisfied with an address signed by all the respectable inhabitants of the place, expressing their indignation at the insult, I received the reply, "It is not I who has been insulted, but the government of the United States in my person," which naturally cut off all further endeavors to redress the matter.

My business at Granada (Nicaragua) required my immediate presence, and thus I left Greytown by the end of May. Once arrived at Granada, the revolution which had commenced there on the 26th of May cut off all communication with San Juan, even by letter, till the end of December last. I subjoin a certificate, (No. 1,) signed by the minister of the government at Granada, in justification of the delay in making my claim for damages.

I had left my brother at San Juan in charge of my business, and also of the consulates, so that he was authorized to represent me on all occasions.

On the 12th of July, 1854, my brother, J. George Wiedemann, received the accompanying letter from the United States commercial agent, Mr. Fabens, (No. 2,) giving him notice that San Juan del Norte would be bombarded the following morning, at nine o'clock, by the United States sloop-of-war Cyane.

Mr. G. Wiedemann repaired immediately to Mr. J. W. Fabens, and inquired whether ourselves and the consulates of the Hanse Towns, Hamburg, and Bremen would be included in the bombardment, whereupon the latter gave him the assurance—unfortunately only verbally—that measures had been taken already to exempt them.

My brother, in virtue of the authority given to him, hoisted now the flag of the free city of Hamburg, left all goods and furniture untouched, and packed only the books, letters, and other valuable papers, gold and silver plates, in five trunks, designing to convey the same on board of the English man-of-war "Bermuda," Lieutenant Jolley, and to repair there also with his wife during the bombardment.

At break of day on the 13th of July, 1854, the day of the destruction of Greytown, a boat of the Bermuda came on shore with a message, that all persons wishing to repair on board the man-of-war must leave immediately, as no other boat would be sent on shore. The boat was small and filled by the persons wishing to embark, so

that the five trunks were necessarily left behind on the ground floor of the consular building, which at the time gave but little concern to my brother, inasmuch as he depended on the promise of Mr. J. W. Fabens, quoted already. He then locked up the houses and repaired on board the ship-of-war.

Your excellency will notice by the subjoined further certificate (No. 3) that my houses had suffered but trifling damage when the bombardment had terminated, almost amounting to nothing. Their peculiar construction, or rather the position of the several tenements, was adapted to a place in which there were no associations for insuring against fire, and thus there was an open space of about fifty feet between each of the buildings and the houses adjoining our property.

It was observed from on board the Bermuda that the door of the house over which the consular flag was then waving was beaten in forcibly, and that it was only after a long interval that the party who had forced an entry left again, whereupon the flames burst forth and the house was finally consumed.

In the letter of Mr. J. W. Fabens a bombardment of the place was announced, but not that fire would be set to the houses. I must also add that my heavy iron chest was found broken after the fire—a chest which would probably have resisted the fire alone.

The English man-of-war Bermuda weighed her anchor on the arrival of the English steamer the same day; she was taken in tow by the latter; and the passengers, including my family, were carried to Corn island. It was no subject of choice to them, and in fact nothing but starvation would have awaited them by remaining at San Juan after its destruction.

The actual loss of my house under the firm of Wiedemann and Bescher, taking the original invoice cost of merchandise with charges thereon, at Greytown, also the dwelling, furniture, &c., amount to $35,140, of which I subjoin also a specified statement, (No. 4.)

My business has suffered from this occurrence incalculable injury. Obligations of outstanding debts which were in my possession have been destroyed, my credit has been impaired, and I may be ruined entirely if not speedily extricated from this difficulty by opportune measures of relief.

As regards the claim for damages, comprising a moderate advance on goods based on the usages in unhealthy regions, heavy expenses in consequence of the destruction of Greytown, clerk hire, lost time, interruption in business, I will leave the same to a proper consideration of your excellency.

On my late passage through San Juan del Norte I have had the pleasure of making the acquaintance of Mr. Wheeler, minister of the United States to Central America, and I have had frequent opportunities of conversing with him on the affairs of the country. I am convinced that his report regarding me would prove favorable, and corroborate my above statements. I am also personally known to Mr. J. W. Fabens, United States commercial agent, and to Mr. Scott, and both these gentlemen, when asked, will not hesitate to give all requisite information regarding my position in a political and commercial point of view.

Finally, I beg leave to add the humble prayer that your excellency may, in consideration of the incalculable importance to me in my business of a speedy decision in this matter, be pleased to give it your cordial support. For your expenses you may refund yourself by drawing on my correspondent, Mr. Fr. Schwendler, 39 Beaver street, New York, and in offering you in advance my thanks for all your good offices.

I remain, &c., &c.

HENRI WIEDEMANN.

His Excellency Mr. R. Schleiden,
Minister of the Free and Hanseatic City of Bremen, in Washington.

[Translation]

(Stamped paper of the third class for the years 1853 and 1854, worth two reales.)

To his excellency the Minister of the Republic of Nicaragua:

The undersigned, merchants of this city, obliged to prove that they have not been able to undertake in due time to claim the value of their property burned at San Juan del Norte, in July last, by the "Cyane," a man-of-war of the republic of the United States of North America, request that your honor may be pleased to certify beneath whether the regular mail between San Juan del Norte and this city has not been interrupted since the month of June last, in consequence of the transit road having been in the power of the revolutionary forces which tried to cut off all communication with this place.

With respectful consideration for the honorable minister, his attentive and faithful servants.—God, Union, and Liberty,

WIEDEMANN & BESCHOR.

Granada, *the 27th of December*, 1854.

By supreme order I certify, in solemn form, and in a manner which deserves credit, that the communications from San Juan del Norte to this city have permanently been obstructed from the month of June last, inclusive, to the 16th of this month, in consequence of the intermediate points having been occupied by revolutionary forces.

And in virtue of the preceding memorial I have caused this certificate to be drawn up and signed with my own hand in Granada, the 27th of December, 1854.

The Minister of Foreign Affairs:

NICACIO DEL CASTILLO.

[Translation.]

GREYTOWN, *January* 20, 1855.

DEAR SIR: In order to complete the letter I wrote to your excellency this morning, on account of my claims to receive a proper indemnification for damages sustained by the bombardment and the entire destruction of this place, I take the liberty to add the following:

With regard to Captain Smith's affair, I did everything in my power to persuade him not to carry out his design. I went even so far as twice to prevent him from firing; the third time he exclaimed, "I am captain of this boat, and I will not permit even my best friend to interfere." After having committed the deed, he made to me the following remark: "I am sorry for this, but I could not help it."

On the day following this occurrence, and in consequence of the refusal to surrender the captain, the then existing government of San Juan handed in their resignation of authority to the English consul, and was thus dissolved.

Most respectfully, &c., &c.

HENRI WIEDEMANN,
Consul for Hamburg and Bremen.

His Excellency Mr. R. SCHLEIDEN,
Minister of the Free and Hanseatic City of Bremen in Washington.

UNITED STATES COMMERCIAL AGENCY,
San Juan del Norte, July 12, 1854.

DEAR SIR: I have to inform you that in the event of the town refusing or neglecting to comply with the demands made in my letter dated yesterday, 11th instant, the United States sloop-of-war Cyane will proceed to bombard the place at 9 a. m. to-morrow, 13th inst.

Should you desire to proceed yourself, or to remove any valuable effects from the place, you may repair with your property on board of the steam-scow J. N. Scott.

Very respectfully, yours,

JOSEPH W. FABENS,
United States Commercial Agent.

Mr. WIEDEMANN,
Hanseatic Consul.

[Translation.]

NEW YORK, *February* 13, 1855.

In reply to your excellency's valuable lines of 11th inst., I beg leave to add:

"That I am prepared to swear at any time to the correctness of the statement handed to you of my losses incurred by the destruction of San Juan."

I have to leave this city within an hour; your excellency will therefore pardon the shortness of this communication.

I remain, &c., &c.

HENRI WIEDEMANN,
Consul of Hamburg and Bremen.

GREYTOWN, OR SAN JUAN DEL NORTE, *January* 19, 1855.

We, the undersigned, residents of this town, by the request of Mr. Henry Wiedemann, Hanseatic consul here, hereby certify that the consulate house of Hamburg and Bremen stood separate from other houses, and that during the bombardment of this town by the United States sloop-of-war "Cyane," commander Hollins, the Hamburg "flag" was hoisted on said house; and further, that after the said bombardment, little or no damage was done to it until the said house was burned by the forces from on board the above mentioned United States sloop-of-war Cyane, commander Hollins, the said flag yet flying above it.

JAMES GEDDES,
J. JEE. VIZGUECY,
T. J. MARTIN,
SAMUEL SHEPHERD,
JEAN MESNIER.

Original statement of losses incurred by Messrs. Wiedemann & Beschor by the bombardment and subsequent destruction by fire of the city of Greytown, or San Juan del Norte, by the United States sloop-of-war "Cyane," Commander Hollins, on the 13th of July last, as follows:

1. One wooden frame house, consulate office, and kitchen, &c.	$2,000
Fixtures and counters in the above house	870
Furniture	750
Clothing, linen, &c	1,265
Silver spoons, knives, plates, &c	
Crockery, &c, pictures	800
Cooking and kitchen utensils	290
Double barreled gun, pistols, revolver and its appurtenances	245
Books	180
	6,400

2. Merchandise contained in the above and two other stores:	
Planes, iron pots, shot, muskets, guns, pistols, &c., and tinware	$3,330
Crockery and glassware	1,090
Silk goods, as shawls, mantillas, handkerchiefs, laces, stockings, galloons, cravats, waistcoat stuff, sewing silk, &c	6,635

Cloth, doeskins, cassimers, and casinets	$2,800
Cotton stockings and half-hose	320
Grey domestics and twills, white shirtings, &c	1,770
Linen sail-cloth	480
Linen drills	710
Irish and German fine linen and cambric	1,630
Ready-made shirts	395
Under shirts, drawers, &c., cotton and woolen	525
Table cloths, napkins, &c., linen and cotton	215
English prints, ginghams, &c	1,170
Cotton muslins, jaconets, &c	625
Muslin dresses	220
Artistical Parisian flowers	215
Embroidered chemisetts and cotton laces	320
Men's straw and felt hats	210
Perfumeries	225
Jewelry	420
Gold fringe	300
Playthings for children	150
Woolen blankets and horse coverings	455
Cigars	510
Olive oil, ebo oil, and castor oil	1,420
Wines, ale, and liquors	1,850
Flour	150
Sardines	300
Working utensils and empty trunks	300
	35,140

HENRI WIEDEMANN,
[L. S.] *Consul for the Free Towns Hamburg and Bremen.*
Partner of the firm of
WIEDEMANN & BESCHOR,
[L. S.] *Leipzig, Greytown, and Granada.*
GREYTOWN, *January* 1, 1855.

BRITISH CONSULATE, GREYTOWN,
January 19, 1855.

This is to certify that Henry Wiedemann, esq., consul for Hamburg and Bremen at this place, who signs the foregoing document for the house of Wiedemann & Beschor, is personally known to me; that he is a partner of said house, doing business in this place and in the interior.

JAMES GEDDES, [L. S.]
H. B. M. Vice Consul.

IV.—Statement of loss of property, &c., sustained by Mr. Frederick Lüpking, citizen and merchant of the free city of Bremen, through the bombardment and subsequent firing of San Juan del Norte, or Greytown, by the United States sloop-of-war "Cyane," Commander Hollins, on the 13th of July, 1854; such property, &c., being in charge of us, the undersigned, Wassmann & Co., merchants, of Granada, and through us in that of our agent, Mr. Augustus Knipping, of this town.

One wooden frame house, 25 by 25 feet, situated on the corner of Shepherd and Walker streets, with counters, and all necessary fixtures for a shop, &c., covered with zinc; out houses and fences	$2,500 00
One two-story frame house, 20 feet by 25, fronting St. George's square	2,500 00
One kitchen, with appurtenances	400 00
Other out-houses on same lot	150 00
One wooden store house, 30 feet by 80, on the same lot	2,500 00
Contained in said storehouse: one box of spangles, as per invoice of 2d May	338 07
Lost profit, at least 25 per cent	84 52
Six demijohns spirits of turpentine, at $10	60 00
One demijohn boiled linseed oil	10 00
One dozen large India rubber blankets, for covering goods, at $15	180 00
Furniture, comprising several valuable pictures, &c., contained in house No. 2	500 00
	9,222 59
Interests, losses of rent and storage, and other damages arisen to our constituent or ourselves, &c	3,000 000
	12,222 59

The above we declare to be a true and correct statement of the losses sustained by Mr. Frederick Lüpking, of Bremen, by the bombardment and fire of Greytown, or San Juan del Norte, by the United States sloop-of-war "Cyane," Commander Hollins, on the 13th of July, 1854.

WASSMANN & CO.

DEL NORTE, OR GREYTOWN,
December 20, 1854.

I, the undersigned, Augustus Knipping, merchant and resident of Greytown, do hereby declare that the said houses, stores, merchandise, &c., were destroyed as above set forth, and that the value thereof is correct; and further, that the said houses, stores, merchandise,

&c., was given in my charge by Messrs. Wassmann & Co., of Granada, for whom I am agent.

AUG. KNIPPING.

GREYTOWN, OR SAN JUAN, *December* 20, 1854.

Know all men by this instrument, that I, C. Ch. Wassmann, being partner of the firm of Wassmann & Co., of Granada, for and in behalf of Mr. Frederick Lüpking, of Bremen, have this day entered this my public protest before her British Majesty's consul, the Hanseatic consul being absent, against the act of Commander Hollins, of the United States sloop-of-war "Cyane," on the 13th of July last past, whereby the property as above set forth was destroyed; and, furthermore, against all parties, government or governments, through whose instrumentality such act was committed.

C. CH. WASSMANN.

SAN JUAN DEL NORTE, OR GREYTOWN, *December* 20, 1854.

BRITISH CONSULATE, GREYTOWN,
December 21, 1854.

This is to certify that Messrs. C. Ch. Wassmann and Aug. Knipping, who sign the foregoing document, are personally known to me; that they are persons of respectability, and worthy of credit.

[SEAL.] JAMES GEDDES, *H. B. M. Vice-Consul.*

Translation of Document No. IV.

GRANADA, *April* 17, 1855.

We received through Mr. Augustus Knipping your communication to that gentleman of the 8th of March, and shall proceed now to answer the same as fully as possible.

Mr. F. Lüpking has never been personally at Greytown, but the writer, C. Ch. Wassmann, arrived there in February, 1851. In June of that year he received on consignment a cargo of merchandise for account of Mr. F. Lüpking, of Bremen. This cargo included the dwelling-house No. 1, which was erected in Greytown on a leased lot, together with the out-houses appertaining thereto, and for account of Mr. F. Lüpking. Since the beginning of 1852 the firm has been Wassmann & Co. In February, 1852, we received a second cargo of merchandise from Mr. F. Lüpking, the larger portion for account of the firm. This cargo included the dwelling house No. 2 and a large warehouse, which were likewise erected at Greytown, it is true, for the use of the firm, but, de facto, as property of Mr. F. Lüpking, of Bremen, who had furnished the requisite capital. The trifling objects which were burnt, besides the houses, were partly merchandise con-

signed to us by Mr. Lüpking, partly goods ordered by us but paid for by Mr. Lüpking. Inasmuch as, since September, 1853, we have had no longer a branch established at Greytown, but had appointed an agent there in the person of Mr. Augustus Knipping, it was Mr. F. Lüpking's and our own desire that our claims should be made direct from Bremen, because the communication between this place of Granada and the United States has been almost entirely cut off, particularly last year. During a considerable period it has even been impossible for us to visit Greytown, and it was only on the 20th of December that we were enabled to transmit to Mr. F. Lüpking the document in question.

From this statement you will already have inferred that Mr. Lüpking was not in a situation to take a personal part in the unfortunate political affairs of Greytown if he had even been so inclined. But, far from entertaining such a disposition, he has frequently expressed himself to the contrary, and he has especially cautioned his partner in charge of the branch house at Greytown always to keep clear of such business and to avoid it. You may also well suppose that we had no leisure time to attend simultaneously to our business and to take part in the foolish political disputes between the Nicaragua Company and a petty municipal government of an insignificant place like Greytown. Nor has any one of the partners in our house ever been willing to accept an office under said government, though repeatedly offered, and they have always abstained from participating in any manner in affairs not their own. Here we must also remark that if the said company had undertaken to avenge itself for imaginary insults received at the hands of the city government, or from other causes, and if it had proceeded to execute its threats repeatedly made to burn the houses over our heads, we should have been the first to defend Mr. Lüpking's and our own property and interest, even by force of arms. Lastly, Mr. Aug. Knipping has once, for the term of one year, from the 1st of May, 1853, to the 1st of May, 1854, been treasurer of the municipality; but further than that, to the best of our knowledge, he has not meddled in politics. None of our firm at Granada, which place was then invested and surrounded by a hostile force, was in Greytown at the time of the bombardment and subsequent burning of that city. Our agent, however, Mr. Aug. Knipping, was there, and we requested him to inform you why it had not been possible to save the houses or the goods contained therein. The matter appears perfectly clear to us.

The inhabitants of Greytown received notice the evening before, that unless a certain amount of money was paid, the city would be bombarded the following morning at 9 o'clock. Without venturing an opinion regarding the merits of this demand, we cannot omit saying that there was scarcely time for securing the most important papers and other valuables; moreover, none of the inhabitants supposed that there would be anything beyond a regular bombardment, and all believed that at its termination possession of their houses could again be taken, though they might be found in a damaged state. They knew the difficulty of setting on fire by projectiles the houses of Greytown, all standing apart from each other. Mr. Knipping, who witnessed

the whole affair from on board the English man-of-war, can tell you more about it. No doubt Mr. Lüpking's houses were not set on fire by the bombardment, because the dwelling No. 1, and warehouse, were standing isolated, and dwelling No. 2 was covered with a zinc roof. It would, therefore, be inferred already almost to a certainty, even if we had not learnt it from eye-witnesses, that Mr. Lüpking's houses were burnt down by the marines sent on shore by Commander Hollins.

Dwelling No. 1 was occupied by Mr. Aug. Knipping, who made use also of the warehouse for us and for himself. The latter was mainly used for storing hides and other produce; also for imported goods. At present, after the re-opening of the channels of communication, it will cost us a large sum of money to find storage at Greytown for our accumulated stock of produce, and it is even doubtful whether the necessary accommodation can be obtained. These are all consequences of the unfortunate occurrence at San Juan, which have fallen heavily on us, though we are innocent parties.

Dwelling No. 2 was inhabited up to the last moment by a Frenchman, who used part as a store. We have forgotten the man's name, but Mr. Knipping will communicate it to you.

(NOTE.—His name is L. Perrin.)

We had a report here about the middle of August that Greytown had been bombarded, but we did not give it credit, and it was only in October following, when we had occasion to visit Greytown, that we became cognizant of the truth of the matter. Mr. F. Lüpking must have received the first tidings through the New York papers, all those letters from him reached us only when we were at San Juan. At that time, in October, we were in want of some papers requisite for this statement, and we had to return into the interior in order to procure the same, so that we were only enabled, on the 20th of December, to send the document in question to Mr. F. Lüpking, at Bremen.

We are prepared and willing to make oath to the correctness of our statement dated December 20th, that the houses and merchandise enumerated in the same were worth to Mr. F. Lüpking and to us the amounts stated, and further, that at the time when wanted by us they could not have been replaced at the prices they were valued.

Mr. Wheeler has been here for some time, and will make this his place of residence. We have had several interviews with him on the subject of our claims, and we may flatter ourselves that when asked he will report nothing to our prejudice in this business.

We request Mr. Aug. Knipping to give you information from Greytown on any points not fully explained by us.

Very respectfully, &c., &c.,

WASSMANN & CO.

Honorable R. SCHLEIDEN,
Minister Resident of the Hanseatic City of Bremen,
near the Government of the United States of N. America.

VI.

GREYTOWN, OR SAN JUAN DE NICARAGUA,
May 21, 1855.

SIR: Messrs. Wassmann and Co. inform me, by their letter of 1st May from Granada, that, in answer to your esteemed favor of 8th March, they have given you all the information in their power concerning the losses they, or Mr. Lüpking, of Bremen, have sustained by the bombardment and subsequent fire of this place by the United States sloop-of-war Cyane, Captain Hollins, and request me to complete their report by adding those points which I, as their agent, and an eye-witness of the whole catastrophe, am in an apter position to assert. I therefore have the honor to state the following:

1. I have never taken any active part in the political affairs of Greytown, for though, in 1853, I was elected by the people of this town treasurer and public administrator, and served as such from 1st May, 1853, to the end of March, 1854, when I resigned. This is hardly taking an active part in the *political* affairs of the place.

2. None of the partners of Messrs. Wassmann & Co. were, at the time of the bombardment, in Greytown, and I have reason to believe that the first information they had of it they received from my letter to them of 4th August.

3. As the time between the publication of Captain Hollins' proclamation, which was the first intimation we had of the bombardment and the time the bombardment began, was a very short one, from four o'clock in the afternoon to nine o'clock in the morning next, it was impossible to save property to any extent, more, as at that moment no labor was to be hired. The only persons that saved anything were the American consul and some of his favorites, who had all their property removed by the troops of the Cyane. Of saving the houses there was no possibility, for the soldiers that set fire to them stood guard while they were burning, and threatened, with their loaded muskets in hand, anybody that drew near. They are even said to have fired on different individuals who tried to approach their burning dwellings.

4. Neither Messrs. Wassman & Co., say Mr. Lüpking's houses, nor any others in town were fired by bombs or other missiles from on board the Cyane. Every house that was burned was deliberately set fire to by the marines that were landed more than an hour after the bombardment had finished. From on board her British Majesty's brig of war Bermuda, where I had taken refuge, we had a fair sight of almost every house in town, and in all the time which elapsed between the end of the bombardment and the landing of the marines, not a single vestige of smoke or fire was to be seen. It was only after the marines were landed the fire broke out, and then it spread quick enough. The greater part of the houses were standing isolated one from another; so were Mr. Lüpking's principal buildings distant from all other houses, and they could never have taken fire from the others; but it was distinctly observed how the marines broke open door after door, and entered house after house to set them on fire. One of my storehouses I observed was entered three times and set fire to before it finally became a prey to the flames.

I hope the above may be sufficient for your ends; if not, and I can give you any more information in my power, I beg you will command,

Your most obedient servant,

AUG. KNIPPING.

R. SCHLEIDEN, Esq.,
Minister Resident of the Free and Hanseatic city of Bremen.

Mr. Marcy to Mr. Schleiden.

DEPARTMENT OF STATE,
Washington, November 19, 1855.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note which the minister resident of the Free Hanseatic city of Bremen addressed to him on the 6th instant, submitting the claims of persons claiming to be citizens of Bremen, together with the documents in favor of the claims, for losses incurred in the destruction of Greytown by Commander Hollins, of the United States ship Cyane, in July of last year, and expressing the hope that if the government of the United States should hesitate to recognize the justice of these reclamations, it will agree to refer them to arbitration, or to a commission.

The undersigned, in reply, has the honor to inform Mr. Schleiden that the subject of his note has been taken into respectful consideration.

The undersigned avails himself of the occasion to offer to Mr. Schleiden a renewed assurance of his high consideration.

W. L. MARCY.

RUDOLPH SCHLEIDEN, Esq., &c.

Mr. Schleiden to Mr. Marcy.

BREMEN LEGATION,
Washington D. C., November 23, 1855.

SIR: I have the honor to acknowledge the receipt of your note of the 19th instant, informing me that my note of the 6th instant in regard to the claims of Mr. F Lüpking, of Bremen, and of Mr. Henry Wiedemann, consul of the Free Hanse Towns at San Juan del Norte, or Greytown, who have been sufferers by the destruction of that city, has been taken into consideration.

This early investigation of the subject is a source of sincere satisfaction to me, as it gives me the assurance that a decision, and I trust a favorable one, may be expected at no distant period.

In order to meet any question as to the propriety of the said claimants making application for my intercession, and of my obligation, as well as of my right and authority to give them my official support, I shall cause the transmission of proper certificates proving Mr. Lüp-

king's citizenship, and that Mr. Wiedemann was and is charged with the consulates of Bremen and Hamburg at San Juan del Norte.

Meanwhile I beg leave to enclose the accompanying report of Mr. George Wiedemann, acting consul of the Free Hanse Towns at San Juan, at the time of the destruction of that city, together with a certificate given on the 23d ultimo by Mr. J. W. Fabens, late United States commercial agent of that place. These documents, which come now to hand, will furnish further proof of the correctness of the statements made in my said note of the sixth instant, that the claimants were in no way compromised with the people of Greytown; that Mr. Fabens had, on the day preceding the bombardment, given an unequivocal assurance to Mr. Weidemann that the Hanseatic consulate should be preserved if it could be done; but that notwithstanding this assurance the house and property of the Hanseatic consul, over which the consulate flag was displayed, were set on fire and burned down by the marines who were sent on shore from the United States sloop-of-war "Cyane" after the bombardment had proved ineffectual.

Without entering into further explanations as to the merits of the claims in question, I have only to request you to take also the accompanying documents into favorable consideration; and I avail myself of this occasion to renew to you the assurance of my highest regard.

R. SCHLEIDEN.

Hon. Wm. L. Marcy,
Secretary of State of the United States,
Washington, D. C.

Republic of Nicaragua,
Granada, October 23, 1855.

I, Joseph W. Fabens, late commercial agent of the United States at San Juan del Norte, hereby certify that on the 12th of July, 1854, the day preceding the bombardment of Greytown, I wrote a note to Mr. Wiedemann, informing him of Captain Hollins' intentions. Mr. Wiedmann called upon me, and stated that he was in no way compromised with the people of Greytown; that he was consul for the Hanseatic Towns, and that his house and property should be spared. I replied that I would use my influence with Captain Hollins, and have his effects spared, if it could be done, as I was satisfied of the truth of his statement.

J. W. FABENS.

[Translation]

Granada, *October* 24, 1855.

Your excellency will please favorably to receive the following report in regard to the circumstances attending the bombardment and total destruction of San Juan del Norte, or Greytown, on July 13, 1854, of all of which the undersigned was an eye-witness, and now will give an account in strict accordance with the truth.

On the 12th of July I received the letter handed to your excellency

in person by my brother, Consul Henry Wiedemann, in which the United States commercial agent, Mr. J. W. Fabens, informs me of the bombardment resolved upon for the following day.

I called instantly on Mr. Fabens, for the purpose of coming to an understanding with him in regard to the protection of those parties who had not been concerned, and always remained neutral, in the frequent former disputes, and to express, at the same time, the expectation that we, who had never been compromised in any way, would be spared, and that I, in my quality of acting consul during the absence of my brother, as well as the consular flag, would be respected.

In the evening of the 12th of July Captain Jolly, commander of the British schooner-of-war "Bermuda," promised me to send the next day his boat on shore, which was done. The danger was imminent. The boat, however, proved too small, and I was, therefore, only able to take a small trunk along with me on board the "Bermuda," and had to leave behind my valuable papers, trunks, gold and silver plate, which I had already packed up.

Thus I left the town, after having well locked up the houses of the firm of Wiedemann & Beschor, and of the late consul, André Louis Beschor, partner of the firm of André Louis Beschor & Co., and after having hoisted the large Hanseatic flag, confiding in the verbal assurance of Mr. J. W. Fabens that all our property should be spared if it were possible. Some officers of the United States sloop "Cyane," to whom Mr. Fabens had introduced me, were of the same mind. But the assurances were not realized; for scarcely had the bombardment ceased, when a party of marines of the "Cyane" went on shore and set fire to our houses, as well as to the others, without any discrimination.

At my request Mr. Fabens, who is now here, has given me the enclosed statement.

Your excellency is fully acquainted with everything else which has happened on the occasion referred to, and anything more I could say would only be an addition of sad details. I, as well as my brother, am ready to make oath, whenever required, to the truth of the statements here made.

With respectful consideration, I remain your excellency's most obedient servant,

T. G. WIEDEMANN.

Mr. R. SCHLEIDEN,
Minister Resident of the
Free Hanseatic city of Bremen, Washington.

Mr. Marcy to Mr. Schleiden.

DEPARTMENT OF STATE,
Washington, November 24, 1855.

SIR: I have the honor to acknowledge the receipt of your note of yesterday, and to inform you, in reply, that the papers accompanying it, relating to claims of Bremen citizens, which were the subject of